

REMARKS

Claims 105-108 are pending and all stand rejected.

The Examiner rejected Claims 105-118 under 35 U.S.C. § 102 as anticipated by Wonfor US 5,583,936. As indicated telephonically to the Examiner earlier, this rejection is traversed. Wonfor US 5,583,936 is the application and patent to which this present patent application claims ultimate priority and of which the present patent is a continuation (not continuation in part). Hence, there can be no rejection citing US 5, 583,936 as prior art since this application has the same effective filing date as does US 5,583,936. Therefore, it is understood that this rejection has been withdrawn.

Additionally, the Examiner rejected Claims 105, 106, 111 and 112 under 35 U.S.C. §102 as anticipated by Ryan US 5,130,810 ("Ryan"). The Examiner pointed to Ryan, col. 4 lines 26-29, and stated in pertinent part "Ryan discloses a method of prohibiting video signal recording wherein a negative pulse is added to the video signal on all lines during the back porch interval. . .which meets the limitation of adding a pulse having a selected negative amplitude to a selected position in a back porch region following a horizontal sync pulse wherein the copy protection of a video signal is enhanced by the added negative pulse."

The Examiner rejected Claims 106 and 112, citing Ryan col. 4 line 28 indicating that Ryan adds a negative pulse on all lines.

The rejections citing Ryan are traversed on the grounds that Ryan does not meet or even suggest the subject matter of the present claims.

Specifically, Claim 105 recites in its preamble "A method of modifying a copy-protected video signal wherein the copy-protected video signal includes selected copy-protection signals. . ." Further, the body of Claim 1 recites "wherein the copy protection of the video signal is enhanced by the added negative pulse."

It is respectfully submitted that neither of these aspects of Claim 105 is met by Ryan. Moreover, although it is understood that in some situations the preamble of a claim is not considered limiting here clearly the preamble is brought into the claim as being limiting because the claim body refers to "the copy protection of the video signal" thereby referring to the element in the claim preamble that "the copy-protected video signal includes selected copy protection signals." Hence, the preamble would be limiting in this case.

Thus, in accordance with the invention, there is an already copy-protected video signal including "selected copy-protection signals." This copy protection is enhanced as recited in the body of Claim 105 by "adding a pulse. . .in a back porch region . . .wherein the copy protection . . . is enhanced. . . ."

As pointed out in the Summary of the Invention at page 3 of the present application beginning line 5 "In accordance with the present invention, the above-described prior art 'basic' copy protection process is enhanced by further modifying the video signal in several ways. . .to maximize effectiveness of the basic copy protection process."

That is the subject matter to which the present claims are directed.

In contrast, clearly, there is no such aspect present in Ryan. Instead, Ryan is one of the "basic" copy protection processes referred to in the Specification at page 3, as stated in Ryan under "Objects and Summary of the Invention" at col. 1, "It is an object of this invention to provide a method and apparatus for modifying a color video signal so that a conventional television receiver produces a normal color picture from the modified signal, whereas a video tape recording made from the modified signal is rendered unacceptable." Hence, Ryan is one of the basic copy protection processes which the present invention is intended to enhance by further modifications.

Therefore, Ryan by its nature cannot meet the aspect as recited in the preamble of Claim 105 of "modifying a copy protected video signal." In Ryan, what is produced is a copy protected video signal. There is no modification thereof. Moreover, in Ryan there is no disclosure as recited in the preamble of Claim 105 that "the copy protected video signal includes selected copy protection

signals. . ." Clearly, that copy protected video signal is the product or result of the Ryan process, not something upon which the Ryan process operates on, which instead is a non-modified or standard video signal.

Clearly, there is no enhancement of copy protection in Ryan. Instead, Ryan is a copy protection method itself.

To further make this point, see Ryan column 4, lines 26 to 36 which states:

Specifically, in the waveform as illustrated in FIG. 4, a negative pulse is added to the video signal on all lines during the back porch interval. If, for example, this pulse is set at half the amplitude of the sync pulses, the videotape recorder's automatic level control system will assess the video signal is at 50% of normal level, and will cause the gain correction signal as applied to the amplifier (see FIG. 2) to be doubled. The brighter areas of the picture will, therefore, be clipped in the recording system, giving the picture a washed out look. This effectively inhibits video recording of the modified video signal.

From the above, Ryan shows that the negative going pulse is itself a copy protection signal itself. This passage also shows that the Ryan negative going pulse is intended to be added in such a way as to cause an abnormal gain increase to the video recorder's automatic level control. But this gain increasing (amplitude) characteristic of Ryan's negative going pulses would be contrary to present Claim 105, which recites: ". . . wherein the copy protected video signal includes selected signals which cause a reduced amplitude in a recording of the copy protected video signal. . . ." (Emphasis added.)

Ryan discloses two embodiments. The first is disclosed in his Fig. 3 and the second in his Fig. 4. The first in Fig. 3 (see Ryan col. 3, lines 10-18) involves adding a positive pulse following the trailing edge of sync. In the second in Fig. 4 (see col. 4, lines 23-28) the copy protection involves adding a negative pulse on all lines during the back porch interval. These apparently are the only embodiments in Ryan and are essentially similar, except that in one, the added pulse is positive in Fig. 3 and in the other embodiment the added pulse is negative in Fig. 4.

Both of these are applied to a normal (standard) video signal shown in Ryan Fig. 1 which has not been otherwise modified and contains no copy protection on its own.

Therefore, in Ryan there is no enhancement and no previous or other modification to the video signal is present. Moreover, there is no suggestion in Ryan to use the Fig. 3 and Fig. 4 embodiments together. In fact, this would be technically impossible and/or inoperative. This is because the Fig. 3 modification involves adding a positive pulse and the Fig. 4 modification a negative pulse, to the exact same place. Using them both at the same time would merely result in either no modification (if the pulse amplitudes were of the same size) or possibly a small positive or small negative net pulse. This of course is because the effects of Fig. 3 and Fig. 4 are opposite and hence could not reasonably be used together, and if used together would merely result in either no net effect or a small negative or small positive pulse.

Hence, the rejection of Claim 105 is traversed since Ryan does not meet the claim.

Also, the rejection of dependent Claim 106 is traversed on additional grounds. Claim 106 recites "the negative pulse is added to selected active horizontal video lines. . ." (Emphasis added.) The Examiner rejected Claim 106 citing Ryan at col. 4, line 28 referring to adding the negative pulse "on all lines during the back porch interval." Hence, as the Examiner pointed out, Ryan adds his negative pulse to all lines, doing so at the back porch interval. However, in accordance with Claim 106, the addition is "to selected active horizontal video lines." It is respectfully submitted that "selected" is not the same as "all". Selected in this context indicates a subset of "all". Hence, the rejection of Claim 106 as anticipated by Ryan is also not accurate and should be withdrawn.

Independent Claim 111 is directed to similar subject matter as Claim 105 and stands rejected on identical grounds. The rejection of Claim 111 is traversed on the same grounds as pertain to Claim 105.

Claim 112 dependent upon Claim 111 is directed as similar subject matter as Claim 106 and hence the rejection of Claim 112 is traversed on the same grounds as is the rejection of Claim 106.

There were no other claim rejections. Therefore, it is requested that the Wonfor rejection is inappropriate since the Wonfor patent is not prior art. Also, clearly, Ryan does not meet the claims. Also, Ryan does not even suggest anything that would meet the claims since Ryan is a basic copy protection process, not an enhancement thereof and not intended to enhance.

Therefore, it is requested that all rejections be withdrawn and this case be passed to issue with all pending Claims 105-118 allowed.

CONCLUSION

All Claims 105-108 distinguish over the references and are patentable and allowance thereof is requested.

If it is determined that a telephone conference would expedite prosecution of this case, the Examiner is invited to telephone the undersigned at the number below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.136922000503.

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